

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CLEO CARTER and NIKKI CARTER,
Individually and as best friend of their minor
child, B.M.C.,

Plaintiffs,

v.

No. 14-2241

SHELBY COUNTY SCHOOL SYSTEM,
KASANDRA BERRY, and CLANCY
PATTERSON,

Defendants.

ORDER DENYING MOTION TO DISMISS AS MOOT

Before the Court is the motion by Defendant, Kasandra Berry, for dismissal as a party to the action for failure to state a claim under Rule 12 of the Federal Rules of Civil Procedure. (Docket Entry (“D.E.”) 44.) Plaintiffs, Cleo Carter and Niki Carter, have responded. (D.E. 49.) For the reasons discussed below, Berry’s motion to dismiss is DENIED AS MOOT.

On July 27, 2015, the Court entered an order granting, in part, Plaintiffs’ motion to amend their original complaint. (D.E. 108.) An “amended pleading supersedes all those that came before,” *Specialized Pharmacy Servs., LLC v. Magnum Health & Rehab of Adrian, LLC*, No. 12-12785, 2012 WL 6212707, at *1 (E.D. Mich. Dec. 13, 2012), and an amended complaint renders the initial pleading a nullity. *Alsbrook v. Recontrust Co., N.A.*, No. 2:13-cv-02067-JPM-cgc, 2013 WL 1820049, *1 (W.D. Tenn. Apr. 30, 2013). A motion to dismiss the *original* complaint therefore becomes moot after a motion to amend has been granted. *See, e.g., Wright v. Memphis Light, Gas & Water Div.*, No. 11-3071-STA-TMP, 2012 WL 3683484, at *3 (W.D. Tenn. Aug. 24, 2012); *Productive MD, LLC v. Aetna Health, Inc.*, No. 3:12-CV-00052, 2012 WL

1119654, at *2 (M.D. Tenn. Apr. 3, 2012); *Dooley v. Byars*, No. 5:11-CV-153, 2012 WL 443470, at *2 (W.D. Ky. Feb. 10, 2012). Berry's motion to dismiss, directed solely to the original complaint, is, therefore, DENIED as moot without prejudice to refiling.

IT IS SO ORDERED this 11th day of August 2015.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE